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### **III. REMARKS**

- **Amendments Made Herein and Summary of Status of Claims:**

Claims 12-17, 36 and 58-63 are now pending in this application. The claims 12, 14, 36, and 58 are amended. Claims 1-11, and 18-35, and 37-57 are cancelled without prejudice. Claims 62 and 63 dependent from claim 58 have been newly added.

### **OBJECTIONS**

The drawings are objected to under 37 CFR 1.83(a) for not showing the features claimed in claims 2, 3, 9, and 18.

Applicant's Response:

Applicant respectfully traverses the objection. On the contrary, all elements of the drawing, e.g. in Fig. 1A, were clearly identified as to which and where they were. Moreover, in view of the present cancellation of the cited claims the objections are deemed moot.

Withdrawal of the objections is therefore solicited.

### **REJECTIONS OF THE CLAIMS:**

#### **Claim Rejections-35 USC 112**

Claim 9 has been rejected as not enabled by the Specification.

Claim 9 has been cancelled without prejudice or disclaimer, the rejection is therefore deemed moot. Withdrawal of the rejection is solicited.

#### **Claim Rejections-35 USC 102**

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Claims 35, 2, 8, 10, and 11 are rejected under 35 USC 102(b) as anticipated by either Day(US 4,231,120) or Weber (US 4,447,915). Specifically, the Examiner alleges that the cited references disclose an implant with an interface portion with protrusions and a central or core portion.

In view of the present amendment canceling the rejected claims, Applicant deems the rejections moot. Withdrawal of the rejections is therefore urged.

Claim 57 is rejected under 35 USC 102(b) as anticipated by Fischer (US 3,846,846) and also under 35 USC 103 as obvious over Fischer ('846) in view of Day, Weber, and/or Stuhmer US 4,245,359).

Applicant traverses this rejection as moot in view of the cancellation of the claim. Moreover, the cited prior art is completely silent as to the instant resiliently deformable characteristic of the support element, in particular those protrusions engaging the spongy bone layer of the bone canal.

Claims 36, and 18-20 are rejected under 35 USC 103 as obvious over Day, Weber, and in view of Mueller-Lierheim (4,447,915). In particular, Mueller-Lierheim allegedly discloses growth factors containing coating.

Applicant respectfully disagrees. In the first instance the cancellation of claims 18-20 renders the rejections moot. Moreover, claim 36 as presently amended depends from allowable base claim 12. Claim 36 is therefore also deemed allowable. Withdrawal of the rejections are therefore solicited.

Claim 3 is rejected under 35 USC 103 as obvious over Dumbleton (US 5,181,930) in view of Day.

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Applicant asserts that the rejection is rendered moot by the instant cancellation of the rejected claim.

Claims 62 and 63 have been newly added to further define the invention. As they are dependent from an allowable base claim 58, these claims are also deemed allowable.

Applicant acknowledges that the Examiner has held claims 12-17 and 58-61 allowable if rewritten to overcome the rejections under 35 USC 112, 2<sup>nd</sup> paragraph. Although Applicant did not find these cited grounds for rejections, the claims have been amended to comply with the Examiner's positions taken in this and previous actions. Thus a good faith effort has been made to this application in condition for allowance.

In view of the amendment and remarks set forth above as well as the enclosed RCE, Applicant respectfully requests favorable action.

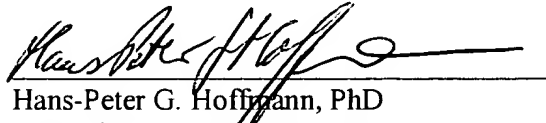
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**CONCLUSIONS**

An early notice of allowance in the next Office action is earnestly requested.

Respectfully submitted,

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